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OFFICE OF PETITIONS

In re Application of :
Wolff, et al. :
Application No. 09/330,909 :
Filed: June 11, 1999 :
Attorney Docket No. **MIRUS.011.01** :

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 11, 2004, to accept an unintentionally delayed claim under 35 U.S.C § 120 for the benefit of a prior filed application.

The petition is **DISMISSED AS MOOT**.

The instant application was filed on June 11, 1999. A petition for acceptance of a late claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on, or after, November 29, 2000. See 65 FR 57024 (September 20, 2000). Accordingly, the petition is dismissed as involving a moot issue.

Petitioner is advised that the fee for the instant petition is \$1,300.00. See 37 CFR 1.17(t). It is noted that the amount of \$130.00 was remitted, presumably, towards the satisfaction of the fee for the instant petition. However, no fee is due because the petition is being dismissed as moot. The amount of \$130.00 will, therefore, be refunded to petitioner, in due course.

Telephone inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

Charles A. Pearson
Director, Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy